

Draft Clark Fork Basin Water Management Plan

Kalispell Public Meeting

Comment/Question Summary

Oral Comments/Questions

- \$ DNRC is already planning to tax water.
- \$ Avista's water concerns are a catalyst to tax water.
- \$ Just take the water from Avista.
- \$ Did the state own the water prior to 1973 (i.e. passage of the Montana Water Use Act)?
- \$ Water rights are in jeopardy when the legislature is in session.
- \$ Recommendation 8-3 will provide work for water professionals.
- \$ PPL Montana is already storing water in the ground to the detriment of agriculture.
- \$ No consideration or distinction is currently given between agriculture, domestic, and industrial uses.
- \$ Montana is a headwaters state, so we should have first call on water. Other states want Montana's water.
- \$ Why don't we know the capacity of the Flathead aquifer?
- \$ How will we deal with a federal judiciary that fails to recognize state rights?
- \$ Has the Task Force worked out anything with the Tribes?
- \$ We are being sold down the river and we need to get active.
- \$ If government can subordinate Avista's water rights, then it can subordinate my agricultural water rights.
- \$ If you go after Avista for overuse of water, then you can also go after agriculture for overuse.
- \$ What is a water right?
- \$ Can the state take away a water right?
- \$ The problem with Avista would have been alleviated, if the state had bought the dams.
- \$ Hungry Horse water is already being taken for salmon recovery.
- \$ What was the connection to groundwater?
- \$ Does Montana already have a specialized water court?
- \$ Has the Montana Supreme Court had an impact on new water appropriations?
- \$ Can you prioritize areas in the adjudication?
- \$ Is a hydropower water right covering its peak use, or just average use?

Written Questions and Comments

- \$ How can you do an accumulative impact unless you first know the amount available?
- \$ How are you going to measure the amount available in the ground?
- \$ How are you going to measure any connection between surface and groundwater?
- \$ If you store water in the ground how are you going to keep from creating unbuildable property or change existing structures because of high groundwater?
- \$ The private use of water is not a right and is a permit of use, are you saying that the owner of the water (the state) has the legal right to withdraw that "permit"? Would it not be more secure for the owner to have a "legal" binding lease or do we have a legal binding "right-of-use" now?
- \$ 7-5 & 8-3 - What is connection? Before you have a commissioner, you need water rights examiners. (Usually a surveyor, licensed to examine rights) to locate on the ground.
- \$ Recommendation 7-5, item 4 - Sharing the cost of water commissioners be rights holders, not just those receiving the water, seems like being charged for electricity even if you don't use it. It appears this may cause some people to sell rights to avoid expenses. Please explain.

- \$ Recommendation 8-6 - The Legislative Water Policy Committee was de-funded by the last legislature. How much was their budget and were they previously determined to be ineffective?
- \$ Were any Task Force members previously associated with the Legislative Water Policy Committee?